

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACOB SILVERMAN,

Plaintiff,

v.

DUANE CHRISTIAN,

Defendant.

Case No. 18-01115 BLF (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(Docket No. 8)

Plaintiff, a California state prisoner, filed a civil rights complaint in *pro se* pursuant to 42 U.S.C. § 1983. On May 9, 2018, the Court found the complaint stated a cognizable claim under the First Amendment and directed Defendant to file a dispositive answer by August 8, 2018. (Docket No. 5.) Plaintiff has filed a motion requesting appointment of counsel “in order to keep formalities properly aligned and not hinder and/or frustrate the Honorable Court and to aid plaintiff pursue the justice he is entitled.” (Docket No. 8.)


There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. *See Lassiter v. Dep’t of Social Services*, 452 U.S. 18, 25 (1981); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (no constitutional right to counsel in § 1983 action), *withdrawn in part on other grounds on reh’g en banc*, 154 F.3d 952 (9th Cir. 1998) (en banc). The decision to request counsel to represent an indigent litigant under § 1915 is within “the sound discretion of the trial

1 court and is granted only in exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d
2 1221, 1236 (9th Cir. 1984). Accordingly, Plaintiff’s motion is **DENIED** without prejudice
3 for lack of exceptional circumstances. *See Agyeman v. Corrections Corp. of America*, 390
4 F.3d 1101, 1103 (9th Cir. 2004); *Rand*, 113 F.3d at 1525 (9th Cir. 1997); *Terrell v.*
5 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331
6 (9th Cir. 1986). This denial is without prejudice to the Court’s *sua sponte* appointment of
7 counsel at a future date should the circumstances of this case warrant such appointment.

8 This order terminates Docket No. 8.

9 **IT IS SO ORDERED.**

10 Dated: May 22, 2018


BETH LABSON FREEMAN
United States District Judge